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Patent No.: 71590-066

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

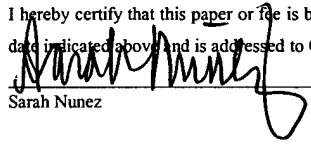
In re Application of	:	Customer Number: 20277
	:	
Turguy GOKER, et al.	:	Confirmation Number: 5600
	:	
Application No.: 09/911,740	:	Tech Center Art Unit: 3654
	:	
Filed: July 25, 2001	:	Examiner: Sang K. Kim
	:	

For: METHOD AND APPARATUS OF MAINTAINING TENSION IN A TAPE

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Sarah Nunez

**REPLY BRIEF**

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is being filed responsive to the Examiner's Answer dated September 9, 2004, and replies to the new issues raised by the Examiner.

**REMARKS**

The Examiner asserts that Oshita discloses the "means" recited in the claims 1 and 2. In particular, the Examiner argued that even if the [guide arm] motor rotates in the same direction with the cartridge motor, in order to wind, it needs to have a tension. The Examiner applies his imagination to imagine the guide arm and motor applying the same directional force faster than the speed of the cartridge motor speed. The Examiner realized that the tape would not be wound onto the tape cartridge

and the device of Oshita would not work. But this is precisely the scenario first brought to the Examiner's attention in Applicant's specification on pages 3 and 4 in the Description of Related Art.

In the Application, it is described that the two motors are separately calibrated. Over time, there is the possibility that one of the motors will run faster or slower than intended or originally calibrated. When this occurs, the tension in the tape may be decreased and result in the detachment of the tape from the hub filler. One problem with such a detachment is that the tape drive mechanism may be jammed by the loose tape.

Hence, the Examiner has merely proven Applicant's point by noting that Oshita is the type of tape drive that can have problems with motors operating at different speeds, as previously described in Applicant's specification. The Examiner has not shown that Oshita has the means for preventing detachment that is described and claimed. Applicant relies upon the previous argument provided in the Appeal Brief in this regard. However, it is respectfully noted that the Examiner has pointed out that Applicant states in the specification that the drag force may be considered one type of means for preventing detachment. Somehow, the Examiner seems to believe that this relieves or eases the requirement that, for the claims in means plus function format, anticipating prior art must show identity of function and structural equivalents. Oshita has not been demonstrated to show either.

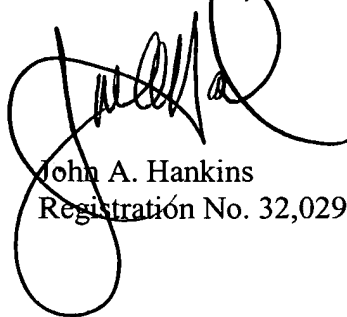
With respect to Rueger, the Examiner has now injected the concept of inherency into the consideration of obviousness. However, there is no description in Rueger of providing a controlled drag on the tape, nor description or expressed concern regarding preventing detachment of a tape. There is no adequate description of the effect of the guide arm motor that would make it obvious to one of skill in the art to combine the two references and provide a controlled drag on the tape. It is only Applicant's disclosure that has provided the Examiner this suggestion, and only with the clarity

provided by hindsight. The Examiner has not adequately demonstrated that one of skill in the art would find the claimed invention obvious based upon the two applied references. There is nothing in the references that would make it obvious to modify Oshita with Reuger, as there are no teachings of the concerns or problems, much less the solutions, that leads to providing controlled drag on a tape. Instead, the Examiner seeks to rely on an allegedly inherent property of motors in general, asserting that this property would make the providing of a controlled drag obvious. But the Examiner has provided no factual evidence to support this tenuous chain of reasoning.

The arrangement of Rueger is described at length in the Appeal Brief and Applicant repeats these remarks by incorporation.

For all of the above reasons, and those stated previously in the Appeal Brief, the claims of the application patentably define over the references of record. Appellants, therefore, respectfully solicit the Honorable Board to reverse each of the Examiner's rejections.

Respectfully submitted,  
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